

In re Application of: Wagener et al.

Application No.: 10/718,764

Examiner: PENG, Kuo Liang

Page 7 of 12

REMARKS

These amendments and remarks are being filed in response to the Office Action mailed July 12, 2007 (the "Office Action"). At the time of the Office Action, claims 7, 8, 13-31, 35 and 36 were pending, and claims 7, 8, 13-31 were withdrawn. The Office Action rejected all of the claims under 35 U.S.C. §112, first and second paragraphs. The rejections and response thereto are set forth fully below.

By this Response to Office Action, claims 35 and 36 are canceled, and claims 37-39 are added. No new matter is added. As the total number of claims does not exceed twenty (20), no additional claim fees are believed to be due.

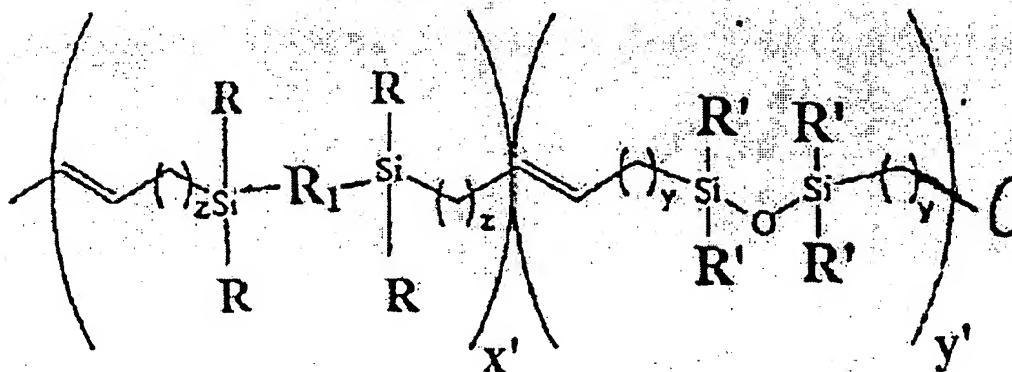
Applicants wish to thank Examiner Peng for extending the courtesy of an Interview on Monday, December 10, 2007. During the Interview, support for each functional group and each coefficient was reviewed. Examiner Peng suggested claim language for claim 38 and some specific coefficients that should be used for the sake of clarity. These suggestions have been adopted in the claims submitted in the Amendment. As a result of the Interview, agreement was reached that new claims 37-39 overcome the previous rejections under 35 U.S.C. §112.

Amendments to the Claims

Claim 37

New claim 37 is drawn to:

37. (New) A polymer comprising the structure:



wherein:

R is a latent reactive group selected from the group consisting of hydrogen, alkoxy, phenoxy, and halogen;

R' is selected from the group consisting of alkyl, phenyl, hydrogen, halogen, alkoxy, and phenoxy;

R₁ is a hydrocarbon chain having at least two CH₂ groups;

C is a chain-end cross-linking molecule;

coefficients z, x' and y' are integers greater than or equal to 1; and

coefficient y is an integer greater than or equal to 2.

The chemical structure claimed is a modification of compound 7 in Figure 2 of the specification (see page 3, line 19-23). Support for R as claimed can be found throughout the specification, including page 2, line 28-30 & page 5, line 30 – page 6, line 5. Support for R' as claimed can be found throughout the specification, including page 3, line 11-12 and page 7, line 12-18. Support for R₁ as claimed can be found throughout the specification, including page 6, line 26-28. Support for C as claimed can be found throughout the specification, including page 3, line 20-23 and compounds 5 and 6 found in page 8, line 7-10. Support for the following coefficients can be found throughout the specification, including the following:

z page 2, line 30 - page 3, line 6;

x' page 2, line 25-28 (note that x' is equivalent to x in A_x-B_y);

y' page 2, line 25-28 (note that y' is equivalent to y in A_x-B_y); and

y page 7, line 19-20.

Accordingly, no new matter is added.

In re Application of: Wagener et al.

Application No.: 10/718,764

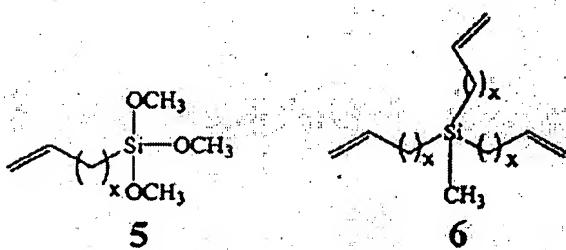
Examiner: PENG, Kuo Liang

Page 9 of 12

Claim 38

New claim 38 is drawn to:

38. (New) The polymer of claim 37, wherein C is derived from a compound selected from the group consisting of compound 5 and compound 6 having the structure:



wherein, x is an integer greater than or equal to 2.

Support for compounds 5 and 6 as chain-end cross-linking molecules can be found throughout the specification, including page 8, lines 5-10. Support for x as an integer greater than or equal to 2 can be found throughout the specification, including page 8, lines 5-10.

Accordingly, no new matter is added.

Claim 39

New claim 39 is drawn to:

39. (New) A polymer comprising the structure:



wherein, coefficients x, y and z are integers greater than or equal to 1, and R'' is selected (CH₂)_nCH=CH₂ and (CH₂)_nCH=, wherein,

In re Application of: Wagener et al.

Application No.: 10/718,764

Examiner: PENG, Kuo Liang

Page 10 of 12

$(CH_2)_nCH=$ is a branching site whereby adjacent polymers are cross-linked, and n is an integer greater than or equal to 2.

The chemical structure claimed is a modification of compound 10 in Figure 3 of the specification (see page 3, line 19-23). "Support for R" as claimed can be found throughout the specification, including page 8, lines 5-10, and the discussions of chain-end cross-linking groups found throughout the specification, including page 3, lines 24-29. Please note that for purposes of clarity, coefficient x discussed at page 8, lines 5-10 is referred to as coefficient n in claim 39.

Support for coefficients x, y and z can be found throughout the specification, including the following:

- x page 2, line 25-28;
- y page 2, line 25-28; and
- z page 3, line 19-21.

Claim Rejections Under 35 U.S.C. § 112

Claims 35-36 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants believe that the Amendments to the Claims set forth above render this rejection moot.

Claims 35-36 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants believe that the Amendments to the Claims set forth above render this rejection moot.

Request for Rejoinder

In re Application of: Wagener et al.

Application No.: 10/718,764

Examiner: PENG, Kuo Liang

Page 11 of 12

By this Amendment, Applicants amend withdrawn claim 16 so that it specifically references making the molecules set forth in claims 37 and 39. As set forth in Chapter 821.04(b) of the Manual of Patent Examination Procedures:

Where claims directed to a product and to a process of making and/or using the product are presented in the same application, applicant may be called upon under 35 U.S.C. 121 to elect claims to either the product or a process. See MPEP § 806.05(f) and § 806.05(h). The claims to the nonelected invention will be withdrawn from further consideration under 37 CFR 1.142. See MPEP § 821 through § 821.03. However, if applicant elects a claim(s) directed to a product which is subsequently found allowable, withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must depend from or otherwise require all the limitations of an allowable product claim for that process invention to be rejoined. Upon rejoinder of claims directed to a previously nonelected process invention, the restriction requirement between the elected product and rejoined process(es) will be withdrawn.

As amended, claim 13 incorporates all limitations of product claims 37 and 39, which are believed to be allowable. Accordingly, Applicants respectfully request that method claims 16-31 be rejoined and that the portion of the restriction requirement dealing with these claims be withdrawn.

Conclusion

This response is being filed with a petition for a two month retroactive extension of time and the appropriate small entity extension fees. Although, Applicants believe that no further extensions of time are required with submission of this paper, Applicants request that this submission also be considered as a petition for any extension of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due with the filing of this paper or

In re Application of: Wagener et al.

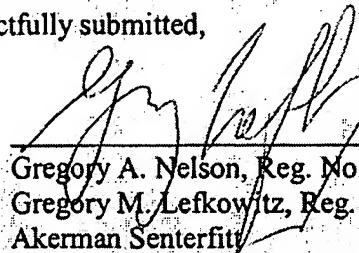
Application No.: 10/718,764

Examiner: PENG, Kuo Liang

Page 12 of 12

credit any overpayment in any fees paid on the filing or during prosecution of this application to
Deposit Account No. 50-0951.

Respectfully submitted,


Gregory A. Nelson, Reg. No. 30,577
Gregory M. Lefkowitz, Reg. No. 56,216
Akerman Senterfitt
222 Lakeview Avenue, Suite 400
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000

Date: December 10, 2007

Docket No. 5853-340